

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lianne May	Team: Squad #7	CCRB Case #: 202106291	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 05/23/2021 5:45 AM	Location of Incident: § 87(2)(b) in Brooklyn	Precinct: 71	18 Mo. SOL 11/23/2022	EO SOL 11/23/2022	
Date/Time CV Reported Tue, 10/12/2021 1:32 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 10/18/2021 10:53 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. PO Omar Delarosa	06614	964474	071 PCT
2. LT SA Timothy Brovakos	00000	943025	071 PCT
3. PO Aaqib Bhatti	14985	963873	071 PCT
4. PO Christopher Rodriguez	04501	964733	071 PCT
5. PO Mubbashar Zahid	03267	965634	071 PCT
6. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Jennifer Livingston	12987	942121	071 PCT
2. SGT Juned Khan	00523	948062	071 PCT
3. PO Mark Cruz	27009	945628	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	§ 87(2)(b)
B.PO Omar Delarosa	Force: Police Officer Omar Delarosa pointed his gun at § 87(2)(b)	§ 87(2)(b)
C.PO Christopher Rodriguez	Force: Police Officer Christopher Rodriguez pointed his gun at § 87(2)(b)	§ 87(2)(b)
D.LT SA Timothy Brovakos	Force: Lieutenant Timothy Brovakos pointed his gun at § 87(2)(b)	§ 87(2)(b)
E.PO Omar Delarosa	Abuse: Police Officer Omar Delarosa damaged § 87(2)(b)'s property.	§ 87(2)(b)
F.PO Christopher Rodriguez	Abuse: Police Officer Christopher Rodriguez damaged § 87(2)(b)'s property.	§ 87(2)(b)
G.PO Aaqib Bhatti	Abuse: Police Officer Aaqib Bhatti damaged § 87(2)(b)'s property.	§ 87(2)(b)
H.PO Mubbashar Zahid	Discourtesy: Police Officer Mubbashar Zahid spoke discourteously to § 87(2)(b)	§ 87(2)(b)
I.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos threatened § 87(2)(b) with the use of force.	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
J.PO Mubbashar Zahid	Force: Police Officer Mubbashar Zahid used physical force against § 87(2)(b)	
K.PO Omar Delarosa	Force: Police Officer Omar Delarosa used physical force against § 87(2)(b)	
L.PO Christopher Rodriguez	Force: Police Officer Christopher Rodriguez used physical force against § 87(2)(b)	
M.LT SA Timothy Brovakos	Force: Lieutenant Timothy Brovakos used physical force against § 87(2)(b)	
N. Officers	Force: Officers struck § 87(2)(b) with a baton.	
O. Officers	Force: Officers restricted § 87(2)(b)'s breathing.	
P. Officers	Off. Language: Officers made remarks to § 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b)	
Q. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b)	
R.PO Aaqib Bhatti	Abuse: Police Officer Aaqib Bhatti searched § 87(2)(b)'s bag	
S.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos searched § 87(2)(b)'s bag	
T.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos arrested § 87(2)(b) unlawfully.	
U.LT SA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants	

Case Summary

On October 12, 2021, § 87(2)(b) reported the following complaint to the Inspector General of the Department of Corrections who notified the Internal Affairs Bureau (BR1).

On May 23, 2021, at 5:45AM, § 87(2)(b) and his daughter's grandmother, § 87(2)(b) got into § 87(2)(b)'s vehicle outside of § 87(2)(b) in Brooklyn. He was double parked on the street and Lieutenant Timothy Brovakos and Police Officers Omar De La Rosa, Christopher Rodriguez, Aaquib Bhatti, and Mubbashar Zahid, all of the 71 Precinct, stopped § 87(2)(b) for this traffic violation (**Allegation A: Abuse of Authority**, § 87(2)(g), § 87(2)(b) reversed and then pulled forward to crash into two vehicles. While issuing verbal commands to stop, PO De La Rosa, PO Rodriguez, and Lt. Brovakos pointed their guns at § 87(2)(b) (**Allegations B-D: Force**, § 87(2)(g)). PO De La Rosa, PO Rodriguez, and PO Zahid broke the windows of the car (**Allegations E-G: Abuse of Authority**, § 87(2)(g)). PO Zahid told § 87(2)(b) to get out of the "fucking" car (**Allegation H: Discourtesy**, § 87(2)(g)). Lt. Brovakos threatened to use pepper spray and mace against § 87(2)(b) (**Allegations I: Abuse of Authority**, § 87(2)(g)) and PO Zahid, PO De La Rosa, PO Rodriguez, and Lt. Brovakos used force against him (**Allegations J-M: Force**, § 87(2)(g)) when § 87(2)(b) continually would not get out the car. § 87(2)(b) alleged that officers beat him with batons and restricted his breathing (**Allegations N and O: Force**, § 87(2)(g)), called him a "fucking faggot" and "asshole" (**Allegation P: Offensive Language**, § 87(2)(g)) and an officer told him, "motherfucker, you should have opened your fucking door" (**Allegation Q: Discourtesy**, § 87(2)(g)). PO Bhatti told Lt. Brovakos that PO Bhatti observed pills inside § 87(2)(b)'s bag, but PO Bhatti could not determine how he discovered the pills (**Allegation R: Abuse of Authority**, § 87(2)(g)). Lt. Brovakos then searched the bag too (**Allegation S: Abuse of Authority**, § 87(2)(g)). Lt. Brovakos instructed PO Bhatti to both handcuff and arrest § 87(2)(b) during his investigation (**Allegation T: Abuse of Authority**, § 87(2)(g)). Lt. Brovakos searched the vehicle and § 87(2)(b)'s bag inside the vehicle (**Allegation U: Abuse of Authority**, § 87(2)(g)).

The investigation received 12 body-worn camera (BWC) videos (BR2).

Findings and Recommendations

Allegation A- Abuse of Authority: Lieutenant TIMOTHY BROVAKOS stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

§ 87(2)(b) explained he was going to visit § 87(2)(b) his daughter's grandmother, at § 87(2)(b) in Brooklyn at about 4:30AM on May 23, 2021. § 87(2)(b) double parked his vehicle, a § 87(2)(b) § 87(2)(b) with NY license § 87(2)(b) on Montgomery Street. Other vehicles were also double parked on the street. § 87(2)(b) and § 87(2)(b) got into his vehicle at about 5:45AM. He was the driver and § 87(2)(b) was sitting in the front passenger seat (BR3).

Lt. Brovakos was driving with PO Zahid (back passenger) and PO Bhatti (front passenger) in an unmarked vehicle in front of another unmarked vehicle with PO Rodriguez and PO De La Rosa. As they drove past § 87(2)(b)'s vehicle, they saw it was on and double parked with § 87(2)(b) in the driver's seat and § 87(2)(b) in the front passenger seat. There were other cars double parked on this street, but § 87(2)(b)'s vehicle was the only vehicle occupied. Double parking is a vehicular traffic violation, so they had an obligation to stop § 87(2)(b)'s vehicle. Lt. Brovakos explained that § 87(2)(b) then threw a small black bag or object behind him into the back of the car. Lt. Brovakos stopped his car in front that signaled to the RMP behind with PO Rodriguez and De La Rosa that they were going to conduct a vehicle stop for double parking. The members of service got out of the car and told § 87(2)(b) to put his car in park and get out of the car (BR4; BR5; BR6; BR7).

In PO Zahid's BWC from 00:44-00:47 (BR8), PO Zahid, Lt. Brovakos, and PO Bhatti stop their vehicle while § 87(2)(b)'s vehicle is double parked next to a line of cars on the right side of the road.

According to Section 4-08(f)(1) of the New York City Department of Transportation Traffic Rules, no person shall stand or park a vehicle by double parking, defined as on the roadway side of a vehicle where it is stopped, standing, or parked at the curb (BR9).

As per all the testimony and BWC, § 87(2)(b) was double parked on Montgomery Street. § 87(2)(g)

Allegation B-Force: Police Officer OMAR DELAROSA pointed his gun at § 87(2)(b)

Allegation C- Force: Police Officer CHRISTOPHER RODRIGUEZ pointed his gun at § 87(2)(b)

Allegation D- Force: Lieutenant TIMOTHY BROVAKOS pointed his gun at § 87(2)(b)

Allegation E- Abuse of Authority: Police Officer OMAR DELAROSA damaged § 87(2)(b)'s property.

Allegation F- Abuse of Authority: Police Officer CHRISTOPHER RODRIGUEZ damaged § 87(2)(b)'s property.

Allegation G- Abuse of Authority: Police Officer AAQIB BHATTI damaged § 87(2)(b)'s property.

Allegation H- Discourtesy: Police Officer MUBBASHAR ZAHID spoke discourteously to § 87(2)(b)

Allegation I- Abuse of Authority: Lieutenant TIMOTHY BROVAKOS threatened § 87(2)(b) with the use of force.

Allegation J-Force: Police Officer MUBBASHAR ZAHID used physical force against § 87(2)(b)

Allegation K- Force: Police Officer OMAR DELAROSA used physical force against § 87(2)(b)

Allegation L- Force: Police Officer CHRISTOPHER RODRIGUEZ used physical force against § 87(2)(b)

Allegation M-Force: Lieutenant TIMOTHY BROVAKOS used physical force against § 87(2)(b)

§ 87(2)(b) explained that as soon as he entered his vehicle with § 87(2)(b) he immediately put the car in reverse. This is when he saw officers, including PO De La Rosa and PO Rodriguez, approach his car with their guns pointed at him. There were unmarked police vehicles to the side of his vehicle, and one was slightly in front of his vehicle, and one was behind his vehicle. He did not exit his car or open the windows because he feared the officers. PO De La Rosa was the first one who began to bash the driver's side window and the other officers used their batons to bash in the driver's window, the back driver's window, and the front passenger's window. Officers told him to "open the fucking car, motherfucker" and "get the fuck out of the car." § 87(2)(b)'s foot came off the break and he hit a different car behind him. § 87(2)(b) then tried to put the car in park but hit the car in front of him. § 87(2)(b) explained that the officers began to hit him on the right side of § 87(2)(b)'s mouth, the left side of his head near his eye, the right side of his head, and his face. PO De La Rosa and other officers then dragged § 87(2)(b) out of the vehicle and to the back of the vehicle where they put him on the ground (BR3).

§ 87(2)(b) the civilian in the car double parked behind § 87(2)(b)'s vehicle. explained to the investigation that officers got out of their car, drew their guns, and asked § 87(2)(b) to get out of his car. § 87(2)(b) instead proceeded to reverse his car and crashed into § 87(2)(b)'s car. § 87(2)(b) was not injured, but the front of his car was damaged from the impact of the crash (BR10).

In PO Zahid's BWC from 00:44-1:15, Lt. Brovakos is driving the vehicle and looking to his right at § 87(2)(b)'s vehicle. Lt. Brovakos then makes a motion with the steering wheel to pull his vehicle to the side. At 00:45, PO Zahid, Lt. Brovakos, and PO Bhatti exit the vehicle. At 00:47, § 87(2)(b)'s vehicle can be seen backing up at an accelerated speed behind the second officer's vehicle. § 87(2)(b)'s vehicle reverses and hits the vehicle behind him, § 87(2)(b)'s vehicle. § 87(2)(b) then drives forward, and members of service tell him to stop his car and put the car in park. (BR8).

In Lt. Brovakos' BWC from 00:40-1:15, Lt. Brovakos exits his vehicle and § 87(2)(b) reverses into § 87(2)(b)'s vehicle. Lt. Brovakos draws and points his gun at § 87(2)(b). § 87(2)(b) drives forward about half a car length. As the audio in the video begins at 1:00, Lt. Brovakos is already telling § 87(2)(b) to "stop your car; don't run into me!" PO De La Rosa and PO Rodriguez point their firearms at § 87(2)(b). Lt. Brovakos instructs the officers to maintain weapons discipline. All members of service tell § 87(2)(b) to put the car in park, stop the car, and that there is nowhere to go as the car lurches forward. PO Bhatti extends his asp and hits the front passenger side mirror with it. At 1:13, § 87(2)(b) drives forward for about four car lengths as PO Zahid walks in front of the car and PO Bhatti and PO De La Rosa break both front windows with their asps. § 87(2)(b) continues to drive forward until the front half of his car is in line with the back half of Lt. Brovakos' car. At 1:25, § 87(2)(b) stops driving. PO Rodriguez, PO Zahid, and PO De La Rosa start to pull § 87(2)(b) out of the car and use hand strikes. Lt. Brovakos instructs PO De La Rosa to holster his weapon. § 87(2)(b) braces himself in the car and refuses to get out after multiple commands are made to get out. At 1:43, PO Bhatti walks § 87(2)(b) to the back of the car. From 1:50-3:21, Lt. Brovakos goes to the front passenger seat of the car and tells § 87(2)(b) he will get tased and maced. § 87(2)(b) braces himself in the car and refuses to come out while PO Rodriguez, PO Zahid and PO De La Rosa continue attempting to remove § 87(2)(b) out of the car. Lt. Brovakos pushes § 87(2)(b) out with his legs. When officers hit § 87(2)(b) in the face, Lt. Brovakos instructs them to go "easy on the strikes" and "no more striking" multiple times. Officers also hold § 87(2)(b)'s legs and try to pull him out (BR11).

At 1:56 in his BWC (BR8), PO Zahid tells him to get out of the "fucking" car.

PO De La Rosa and PO Rodriguez explained that they exited the vehicle, unholstered their firearms, and pointed at the vehicle because § 87(2)(b) was going to hurt PO Bhatti because he was on the right side of his vehicle. § 87(2)(b) was going to use it as a weapon against the officers. PO Rodriguez saw § 87(2)(b) making furtive movements such as leaning down and dipping his shoulders that caused him to believe § 87(2)(b) had a weapon and PO Rodriguez may have needed to use more force. PO De La Rosa and PO Rodriguez took out their batons and broke his window to stop him because § 87(2)(b) was using the vehicle as a weapon. § 87(2)(b) refused to get out of the car so PO Del La Rosa, PO Rodriguez, and PO Zahid used hand strikes to get him out of the vehicle. § 87(2)(b) was putting his feet on the car to wedge himself into the car so the officers could not get him out. The officers finally subdued him and put him on the ground to arrest him (BR6; BR7).

PO Bhatti explained that he broke the passenger side windows to get § 87(2)(b) to stop the car (BR5).

Lt. Brovakos explained that as they drove past and up to § 87(2)(b) they saw § 87(2)(b) make eye contact with them. § 87(2)(b)'s torso ducked down, and his left shoulder dipped down like he could have been reaching for a weapon. Lt. Brovakos explained that § 87(2)(b) continued to drive even when they gave him commands to stop. Lt. Brovakos stepped out of his vehicle and pointed his firearm toward the vehicle in case § 87(2)(b) was going to fire at him. § 87(2)(b)'s attempt to flee

from the officers escalated the situation from a VTL violation to a felony car stop. When the other officers were trying to get § 87(2)(b) out of the vehicle on the driver's side, Lt. Brovakos then used his legs to push § 87(2)(b) out of the car. Lt. Brovakos threatened to tase and mace him to get him out of the car. Lt. Brovakos did not end up using mace or pepper sprayed because officers cannot pepper spray in automobiles as per the Patrol Guide (BR4).

In Motor Vehicle Accident Report § 87(2)(b) PO De La Rosa noted § 87(2)(b) collided with § 87(2)(b)'s vehicle and drove forward to collide with another vehicle (BR12).

Threat, Injury and Resistance forms show that PO De La Rosa, PO Rodriguez, and PO Zahid used force to get § 87(2)(b) out of the car. The Medical Treatment of Prisoner form notes that § 87(2)(b) was bruised and swelling on his lip and face from the officers' hand strikes (BR13).

As per Patrol Guide Procedure 221-01 and 221-02, The decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present. When a uniformed member of the service determines that the potential for serious physical injury is no longer present, the uniformed member of the service will holster the firearm as soon as practicable. Officers may use physical force when it is reasonable to place a person in custody. Any application or use of force must be reasonable under the circumstances. Members of service must utilize de-escalation techniques to eliminate and reduce the use of force. It also defines active resisting as physically evasive movements to defeat officers at control, including bracing, tensing and pushing. It defines active aggression as a threat or overt act of assault coupled with the present ability to carry out the threat or assault (BR14).

In DCT Case #79627/04, NYPD Disciplinary decisions have consistently concluded that when an officer uses an impolite word during a street encounter where that officer is attempting to maintain control of the situation, the police officer's verbal slip does not rise to the level of actionable misconduct (BR15).

According to Patrol Guide Procedure 200-02, the Department is committed to accomplishing its mission of protecting the lives and property of all citizens of New York City by treating every citizen with compassion, courtesy, professionalism, and respect (BR16).

According to Patrol Guide Procedure 221-08, a CEW should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring themselves or other person(s) actually present. The CEW should generally not be used on subjects operating or riding on any moving device or vehicle (BR17).

NYPD Patrol Guide Procedure 221-07 states that O.C. pepper spray may be used to gain or maintain control of persons who are actively resisting arrest or lawful custody or exhibiting active aggression, or to prevent individuals from physically injuring themselves, members of the service, or other person. O.C. pepper sprays may be used in arrest or custodial restraint situations where physical presence and/or verbal commands have not been, or would not be, effective in overcoming physical resistance (BR18).

As per BWC, § 87(2)(b) reversed at an above average rate of speed hitting a vehicle behind him and pulled his car forward causing more damage. While officers were commanding him to stop and put his car in park, § 87(2)(b) did not comply and continued in his attempts to flee. PO De La Rosa, PO Rodriguez, and Lt. Brovakos articulated that § 87(2)(b)'s actions demonstrated potential for further serious physical injury to officers and civilians, so they drew their firearms. Lt. Brovakos instructed the officers to holster their firearms when they gained control of the situation. As § 87(2)(b) still did

not comply with orders after seeing the firearms, the officers needed to escalate their attempts to stop § 87(2)(b) and their use of batons to break the windows finally stopped § 87(2)(b) from fleeing. § 87(2)(g)

On his BWC, PO Zahid uses profanity toward § 87(2)(b). This occurred during a chaotic moment when § 87(2)(b) was refusing to get out of the car and after many § 87(2)(g) verbal attempts without profanity to get him to comply. § 87(2)(g)

In all the testimonies provided and BWC, § 87(2)(b) first tried to flee from the members of service and then both resisted physically by bracing himself in the car and refused to comply with any orders. § 87(2)(b) was actively aggressive and had already crashed into other cars and was a threat to everyone present. § 87(2)(g)

Allegation N- Force: Officers struck § 87(2)(b) with a baton.

Allegation O-Force: Officers restricted § 87(2)(b)'s breathing.

Allegation P- Offensive Language: Officers made remarks to § 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b).

Allegation Q-Discourtesy: Officers spoke discourteously to § 87(2)(b).

§ 87(2)(b) alleged that when he was on the ground, all the officers then used their batons to beat him. § 87(2)(b) further alleged that he told the officers that he could not breathe as the officers were kneeling on his back and so he curled into a fetal position. All the officers in total allegedly then called § 87(2)(b) “fucking faggot” and “asshole.” An officer allegedly told him, “motherfucker, you should have opened your fucking door” (BR3).

PO De La Rosa, PO Bhatti, and PO Rodriguez explained that when § 87(2)(b) was first placed on the ground, he was facedown, PO Rodriguez put handcuffs on him by grabbing his arms and placed his arms behind his back. § 87(2)(b) was resisting by tensing his arms. No officers used offensive language, hit him with batons, or restricted his breathing (BR5; BR6; BR7).

In PO Zahid’s BWC from 3:12-4:25 (BR8), PO Rodriguez, PO Zahid and PO De La Rosa pull § 87(2)(b) out by his arms and legs, and he lands on the ground on his back. Officers immediately turn him over to his stomach and pull his arms behind his back. § 87(2)(b) is resisting putting his hands behind his back. Once he is handcuffed, the officers turn him over at Lt. Brovakos’ instruction to “promote free breathing.” No one ever uses any profanity, uses offensive language, hits him with batons, or restricts his breathing.

As per BWC, officers never used their batons to beat § 87(2)(b) positioned him in any way to restrict his breathing or used profanity, or offensive language. § 87(2)(g)

Allegation R-Abuse of Authority: Police Officer AAQIB BHATTI searched § 87(2)(b)'s bag

Allegation S-Abuse of Authority: Lieutenant TIMOTHY BROVAKOS searched § 87(2)(b)'s bag

Allegation T-Abuse of Authority: Lieutenant TIMOTHY BROVAKOS arrested § 87(2)(b) unlawfully.

Allegation U- Abuse of Authority: Lieutenant TIMOTHY BROVAKOS searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants

§ 87(2)(b) explained that an officer told her to get out of the car and then put her in handcuffs. She refused medical attention and went home (BR19).

In Lt. Brovakos' BWC from 4:00-5:40 (BR4), § 87(2)(b) stands unhandcuffed next to a car. The back window on the passenger side is broken and Lt. Brovakos looks in a bag there as PO Bhatti states that § 87(2)(b) had pills in there. Lt. Brovakos instructs PO Bhatti to "cuff her up." Lt. Brovakos searches the bag and finds a bottle of pills. He then searches the front seats of the car and other bags behind the passenger seats.

In PO Bhatti's BWC (BR20) at 06:55, PO Bhatti tells § 87(2)(b) that she is under arrest, and they will transport her back to the stationhouse. PO Bhatti's BWC does not show how he knew there were pills in the bag or PO Bhatti searching the bag.

PO Bhatti explained that he saw § 87(2)(b) holding a small bag while seated in the car. After they stopped the car, PO Bhatti told § 87(2)(b) to get out; she complied. PO Bhatti explained that he saw that she had pills in her bag, so she was under investigation, but was not under arrest or in handcuffs. PO Bhatti did not remember how he ascertained that there were pills in the bag and did not know if she had it open, but he then took the bag and put it in the back of the car. He said he did not search the bag but she either had the bag open or he saw it another way. The pills were in a regular prescription bottle with no name for the bottle. This led PO Bhatti to believe they were narcotics. PO Bhatti told Lt. Brovakos about the pills and Lt. Brovakos authorized putting § 87(2)(b) in handcuffs and under arrest. Later, when PO Bhatti investigated, he determined that the pills were only painkillers by looking at the number on the pills. § 87(2)(b) was then free to go (BR5).

Lt. Brovakos explained that he saw § 87(2)(b) throw a small black bag or object behind him into the back of the car when he first pulled up next to § 87(2)(b)'s vehicle. Lt. Brovakos explained that due to PO Bhatti's observation of the pills, § 87(2)(b) was under arrest and detained for narcotics possession. § 87(2)(b) was then handcuffed and placed into a police vehicle. § 87(2)(b) was released after PO Bhatti determined that the pills were not narcotics. Lt. Brovakos searched the vehicle because the bag § 87(2)(b) was holding was thrown to the back, the windows were broken, and PO Bhatti observed pills that possibly were narcotics in an unmarked bottle in § 87(2)(b)'s bag. Lt. Brovakos also searched a bag in the back seat because this was the bag that § 87(2)(b) threw over his shoulder (BR4).

As per *People v. DeBour*, 40 N.Y. 2d 210, 233 (1976), an officer may stop and question a person when the officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a felony or misdemeanor. Further, a police officer may arrest and take into custody a person when he has probable cause to believe that person has committed a crime, or offense in his presence (BR21).

As per *People v. Mundo*, 99 N.Y.2d 55, the court ruled that when a defendant twice disobeyed officers commands to stop a vehicle and nearly struck a pedestrian and when the police observed the defendant in the car attempting to stash something in the rear seat, there was a situation in which a perceptible risk that a weapon in the vehicle would be a danger to the officer's safety and concluded that a limited intrusion in the area where the furtive movement had been seen was justified (BR22).

As per *People v. Ketcham*, 93 N.Y.2d 416, “information received from another police officer is presumptively reliable...a police officer who imparts to fellow officers’ information gathered while personally participating in or observing an undercover drug transaction, there is little doubt as to the reliability of the informant or the basis of knowledge (BR23).

PO Bhatti could not specify how or if he searched § 87(2)(b)’s bag to determine there were pills inside. BWC does not capture how PO Bhatti ascertained that there were pills in § 87(2)(b)’s bag. BWC captured PO Bhatti informing Lt. Brovakos that there were pills in a certain bag. § 87(2)(g)

§ 87(2)(g) PO Bhatti told Lt. Brovakos that § 87(2)(b)’s bag contained contraband. § 87(2)(g)

Both PO Bhatti and Lt. Brovakos said that § 87(2)(b) was under arrest when she was handcuffed and placed in a police vehicle. However, at this point, neither officer was able to articulate probable cause that she was in illegal possession of narcotics. In fact, after a quick investigation, the officers were able to determine that she was not in illegal possession of a controlled substance and § 87(2)(b) was released. § 87(2)(g)

Similar to the facts set forth in *People v. Mundo*, 99 N.Y.2d 55, because § 87(2)(b) did not comply with the officers’ attempts to stop the vehicle and tried to escape and Lt. Brovakos believed that § 87(2)(b) had thrown a bag into the back seat. § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR24).
- § 87(2)(b)
- Police Officer Christopher Rodriguez has been a member of service for four years and has been a subject in six CCRB complaints and 15 allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Mubbashar Zahid has been a member of service for four years and has been a subject in eight CCRB complaints and 21 allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Omar De La Rosa has been a member of service for four years and has been a subject in three CCRB complaints and eight allegations, none of which were substantiated. § 87(2)(g)
- Police Officer Aaqib Bhatti has been a member of service for four years and has been a subject in two CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)

- Lieutenant Timothy Brovakos has been a member of service for 15 years and has been a subject in 35 CCRB complaints and 136 allegations, of which four were substantiated. [REDACTED]
[REDACTED]
[REDACTED]
 - 201500206 involved substantiated allegations of a vehicle search against Lt. Brovakos. The Board recommended Command Discipline and the NYPD imposed formal training.
 - 201905132 involved substantiated allegations of a discourtesy and The Board recommended Command Level Instructions and the NYPD imposed instructions.
 - 201910398 involved substantiated allegations of a failure to provide an RTKA card and The Board recommended Command Discipline A and the NYPD imposed no penalties

Mediation, Civil, and Criminal Histories

- § 87(2)(b) and his lawyer filed a Notice of Claim with the City of New York claiming the officers violated his constitutional and civil rights, false arrest, excessive force, police brutality, false imprisonment, malicious prosecution, denial of medical care and severe injuries and seeking “adjustment and payment” as redress (BR31). § 87(2)(b)

- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]

- § 87(2)(b)

Squad: 7

Investigator: <u>Lianne May</u>	<u>Investigator Lianne May</u>	<u>Revised December 1, 2022</u>
Signature	Print Title & Name	Date

Squad Leader: _____

Signature	Manager Vanessa Rosen	March 25, 2022
	Print Title & Name	Date

Reviewer: _____

Signature	Print Title & Name	Date
-----------	--------------------	------